

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 584

93RD GENERAL ASSEMBLY

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Offered February 14, 2006.

Senate Substitute adopted, February 14, 2006.

Taken up for Perfection February 14, 2006. Bill declared Perfected and Ordered Printed, as amended.

3388S.04P

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 302.272, 302.275, and 302.321, RSMo, and to enact in lieu thereof three new sections relating to school bus drivers, with penalty provisions and an effective date.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 302.272, 302.275, and 302.321, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 302.272,  
3 302.275, and 302.321, to read as follows:

302.272. 1. No person shall operate any school bus owned by or under  
2 contract with a public school or the state board of education unless such driver  
3 has qualified for a school bus endorsement under this section and complied with  
4 the pertinent rules and regulations of the department of revenue and any final  
5 rule issued by the secretary of the United States Department of Transportation  
6 or has a valid school bus endorsement on a valid commercial driver's license  
7 issued by another state. A school bus endorsement shall be issued to any  
8 applicant who meets the following qualifications:

- 9 (1) The applicant has a valid state license issued under this chapter;  
10 (2) The applicant is at least twenty-one years of age; and  
11 (3) The applicant has successfully passed an examination for the  
12 operation of a school bus as prescribed by the director of revenue. The  
13 examination shall include any examinations prescribed by the secretary of the  
14 United States Department of Transportation, and a driving test in the type of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 vehicle to be operated. The test shall be completed in the appropriate class of  
16 vehicle to be driven. For purposes of this section classes of school buses shall  
17 comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.  
18 Law 99-570). For drivers who are at least seventy years of age, such examination  
19 shall be completed annually.

20           2. The director of revenue, to the best of the director's knowledge, shall  
21 not issue or renew a school bus endorsement to any applicant whose driving  
22 record shows that such applicant's privilege to operate a motor vehicle has been  
23 suspended, revoked or disqualified or whose driving record shows a history of  
24 moving vehicle violations.

25           **3. The director of revenue shall not issue or renew a school bus**  
26 **endorsement to any applicant whose driving record shows that the**  
27 **applicant has been convicted of an intoxication-related traffic offense,**  
28 **as that term is defined in section 577.023, RSMo. A person found guilty**  
29 **or pleading guilty to an intoxication-related traffic offense shall have**  
30 **his or her school bus endorsement permanently denied by the court,**  
31 **beginning on the date of the court's order of conviction.**

32           [3.] 4. The director may adopt any rules and regulations necessary to  
33 carry out the provisions of this section. Any rule or portion of a rule, as that  
34 term is defined in section 536.010, RSMo, that is created under the authority  
35 delegated in this section shall become effective only if it complies with and is  
36 subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
37 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any  
38 of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
39 to review, to delay the effective date, or to disapprove and annul a rule are  
40 subsequently held unconstitutional, then the grant of rulemaking authority and  
41 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

42           [4.] 5. Notwithstanding the requirements of this section, an applicant  
43 who resides in another state and possesses a valid driver's license from his or her  
44 state of residence with a valid school bus endorsement for the type of vehicle  
45 being operated shall not be required to obtain a Missouri driver's license with a  
46 school bus endorsement.

          302.275. 1. Any employer of a person licensed pursuant to section 302.272  
2 to operate a school bus, as that term is defined in section 301.010, RSMo, shall  
3 notify the director of the department of revenue within ten days of discovering  
4 that the person has failed to pass any drug, alcohol or chemical test administered

5 pursuant to the requirements of any federal or state law, rule or regulation  
6 regarding the operation of a school bus. The notification shall consist of the  
7 person's name and any other relevant information required by the director. The  
8 director shall determine the manner in which the notification is made. Any  
9 employer, or any officer of an employer, who knowingly fails to comply with the  
10 notification requirement of this section or who knowingly provides a false  
11 notification shall be guilty of an infraction.

12 **2. Whenever a citation for an intoxicated-related traffic offense,**  
13 **as defined by section 577.023, RSMo, or moving violation, as defined by**  
14 **section 302.010, RSMo, is issued to any person licensed under section**  
15 **302.272 to operate a school bus, the person shall notify the**  
16 **superintendent of the school district or employing contractor for which**  
17 **he or she operates a school bus of the citation. Notice of such citation**  
18 **shall be given prior to the person resuming operation of a school**  
19 **bus. Failure to notify the school district or the employing contractor**  
20 **of the citation shall constitute a valid reason to discharge such person**  
21 **from the school district's or employing contractor's employ.**

302.321. 1. A person commits the crime of driving while revoked if such  
2 person operates a motor vehicle on a highway when such person's license or  
3 driving privilege has been canceled, suspended, or revoked under the laws of this  
4 state or any other state and acts with criminal negligence with respect to  
5 knowledge of the fact that such person's driving privilege has been canceled,  
6 suspended, or revoked.

7 2. Any person convicted of driving while revoked is guilty of a class A  
8 misdemeanor. **If the person convicted of driving while revoked was**  
9 **operating a school bus at the time of the offense, the person shall be**  
10 **fined not less than one thousand dollars if the offense is otherwise a**  
11 **class A misdemeanor.** Any person with no prior alcohol-related enforcement  
12 contacts as defined in section 302.525, convicted a fourth or subsequent time of  
13 driving while revoked or a county or municipal ordinance of driving while  
14 suspended or revoked where the defendant was represented by or waived the  
15 right to an attorney in writing, and where the prior three driving-while-revoked  
16 offenses occurred within ten years of the date of occurrence of the present offense;  
17 and any person with a prior alcohol-related enforcement contact as defined in  
18 section 302.525, convicted a third or subsequent time of driving while revoked or  
19 a county or municipal ordinance of driving while suspended or revoked where the

20 defendant was represented by or waived the right to an attorney in writing, and  
21 where the prior two driving-while-revoked offenses occurred within ten years of  
22 the date of occurrence of the present offense and where the person received and  
23 served a sentence of ten days or more on such previous offenses is guilty of a class  
24 D felony. No court shall suspend the imposition of sentence as to such a person  
25 nor sentence such person to pay a fine in lieu of a term of imprisonment, nor  
26 shall such person be eligible for parole or probation until such person has served  
27 a minimum of forty-eight consecutive hours of imprisonment, unless as a  
28 condition of such parole or probation, such person performs at least ten days  
29 involving at least forty hours of community service under the supervision of the  
30 court in those jurisdictions which have a recognized program for community  
31 service. Driving while revoked is a class D felony on the second or subsequent  
32 conviction pursuant to section 577.010, RSMo, or a fourth or subsequent  
33 conviction for any other offense.

Section B. The repeal and reenactment of sections 302.272, 302.275, and  
2 302.321 of this act shall become effective January 1, 2007.

Bill ✓

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